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EXAMINER

MAURO JR, THOMAS J

ART UNIT

PAPER NUMBER

2143

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,617

Applicant(s)

ILLOWSKY, DANIEL H.

Examiner

Thomas J. Mauro Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 & 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 are pending and are presented for examination. A formal action on the merits of claims 1-38 follows.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 6 of copending Application No. 09/627,645. Although the conflicting claims are not identical, they are not patentably distinct

from each other because both recite analogous methods for communicating messages to people with physical disabilities.

For example, Claim 1 of the instant application deals with a method for communicating a message to a client device for interaction with a sensory or physically challenged person, which stimulates different senses of the user with different outputs. Claims 1, 3 and 6 of Application No. 09/627,645 recite a method of generating and distributing rich content messages to people with physical disabilities, which includes various outputs such as text and audio, which serve to stimulate different user senses, namely sight and sound.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the claim is ambiguous because it contains a list of “possible outputs” which “can include”, but it is unclear as to whether all of the outputs are part of the claimed invention, or just a subset of the outputs. Therefore, it is unclear.

Regarding claim 18, the phrase "may" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The invention claimed by claim 19 includes a sensory impaired user consisting of a sight impaired, hearing impaired or a sight and hearing impaired user, i.e. a human being. If the broadest reasonable interpretation of a claimed invention encompasses a human being, then a rejection under 35 U.S.C. 101 is required. See MPEP ¶ 2105, last paragraph. Therefore, the claim must be appropriately amended or cancelled.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1, 10-15, 17-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429) in view of Agraharam et al. (U.S. 6,412,011).

Regarding claim 1, Bird teaches the invention substantially as claimed, a method for communicating a message to a client device comprising the steps of:

identifying an idea to be communicated, said idea including a message intent which influences the content of the message **[Bird -- Page 10 lines 3-7 – Idea, i.e. stream, to be communicated is identified either locally at server or on remote data source];**

collecting and storing a plurality of alternative expressions for said message each said alternative expression being associated with a different one of a plurality of possible outputs generated by a client device, at least some of said outputs intended to stimulate a different sense of said user **[Bird -- Page 10 lines 18-20 and lines 31-32 – Server receives streams from data source which includes different outputs associated with different senses, i.e. text – sight and audio – hearing];**

composing a content information set encompassing said message with said message intent from selected ones of said plurality of alternative expressions said message including procedural components, data components and semantic components identifying the context for which ones or the procedural components and data components will be presented, said presentation including executing ones of said procedural components and rendering of said data components **[Bird -- Page 6 lines 11-16, page 9 lines 23-26 and page 10 lines 9-16 – Content received is parsed for the predetermined data items, i.e. procedural components, data components, semantic components, etc., based upon decoding parameters received from**

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the client, upon which data items are added to appropriately render the content while keeping the message intent];

communicating said content information to said client device **[Bird -- Page 11 line 14 – Content, i.e. stream, is received by the client from the server];**

automatically selecting a particular output to generate from and executing instructions in said client device to generate said selected output to stimulate a particular user sense **[Bird -- Page 6 lines 27-28 and page 11 line 15 – Streamed received from server is played, automatically using the output to which it corresponds to, i.e. text would be displayed on the display, i.e. monitor, while audio would be outputted through the speaker, each stimulating different senses, i.e. sight and hearing].**

Bird, however, fails to explicitly teach that the method is used to communicate content to people with sensory or physically disabilities. However, altering content information to people with individuals is well known, as is disclosed in Agraharam.

Agraharam, in a similar art, teaches a method for enhancing an information stream by adding or altering content **[Agraharam -- Abstract]** to adapt it to people with a disability **[Agraharam -- Col. 1 lines 61-67].**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the system which alters content to assist people with disabilities, as taught by Agraharam into the invention of Bird, in order to help people with disabilities hear or see content communicated over the Internet, who otherwise might not be able to.

Regarding claim 10, Bird-Agraharam teach the invention substantially as claimed, further comprising soliciting and receiving user input from enumerating the available user input sources and selecting from one of the enumerated input sources **[Bird -- Page 9 lines 28-32 – User selects the input source, i.e. content data, by manipulating the keyboard or mouse, i.e. the user clicking on a hypertext link displayed by the server].**

Regarding claim 11, Bird-Agraharam teach the invention substantially as claimed, wherein said user senses can be selected from the group of senses consisting of sight, hearing, touch, smell and taste **[Bird -- Page 6 lines 27-28 and page 10 lines 18-20 and lines 31-32 – User senses are associated with different outputs, i.e. text/display – sight and audio – hearing].**

Regarding claim 12, because the claim is ambiguous, Examiner has interpreted it to mean that the possible outputs include one of the claimed display device, audio output device, tactile output device, or electronic signal. Accordingly, Bird-Agraharam teach the invention substantially as claimed, wherein the client device possible outputs include a display device for presenting symbols, text, graphics, and pictures sensible by a user's eyes and an audio output device for presenting a sound sensible by a user's ears **[Bird -- Page 6 lines 27-28 and page 7 lines 10-14 and lines 30-32 – Client device outputs include display device for displaying text, graphics, etc... and an audio playing device, i.e. loud speaker].**

Regarding claim 13, Bird-Agraharam teach the invention substantially as claimed, wherein the step of selecting a particular output to generate from among the plurality of possible outputs includes: the selection being selected in response to user preferences identified prior to receipt of said content [**Bird -- Page 9 lines 19-23 -- Decoding parameter information is sent from the client to the server to indicate user preferences**]; and the selection being selected in response to the client device characteristics [**Bird -- Page 9 lines 13-19 -- Decoding parameters also include information about the capabilities and characteristics of the client device, i.e. whether or not a sound card is present, etc.**].

Regarding claim 14, Bird-Agraharam teach the invention substantially as claimed, wherein client device characteristics include: client device hardware characteristics and client device software device characteristics [**Bird -- Page 9 lines 13-19 -- Client device characteristics and capabilities information includes hardware characteristics, i.e. whether or not a sound card is present, and software characteristics, i.e. does device have appropriate software**].

Regarding claim 15, Bird-Agraharam teach the invention substantially as claimed, wherein when user inputs are solicited, such user inputs are selected from eye movements [**Bird -- Page 9 lines 28-32 -- User uses eye movements to choose and select links to request content information from a webpage**].

Regarding claim 17, Bird-Agraharam teach the invention substantially as claimed, wherein the plurality of alternative expressions for the idea includes symbolic expressions **[Bird -- Page 11 lines 10-14 – Graphic images are one possible alternate expression]**.

Regarding claim 18, Bird-Agraharam teach the invention substantially as claimed, wherein the plurality of alternative expressions for the idea includes a text expression for each content item including a description of all audio and graphical content **[Agraharam -- Col. 1 lines 61-67 – Text version of any information, i.e. audio information, is one alternate expression to assist those who can not hear]**.

Regarding claim 19, Bird-Agraharam teach the invention substantially as claimed, wherein the sensory challenged user is a hearing impaired user **[Agraharam -- Col. 1 lines 65-66 – User who can not hear]**.

Regarding claim 21, Bird-Agraharam teach the invention substantially as claimed, wherein the user input solicitation and enumeration can be performed by moving a single button to cause the selection to be sequentially highlighted or sequentially articulated or identified **[Bird -- Page 9 lines 28-32 – User action to select content can occur through user activating, i.e. clicking the mouse using a single button]**.

Regarding claim 22, Bird-Agraharam teach the invention substantially as claimed, wherein the user input solicitation and enumeration are performed by an act consisting of:

selecting from articulated text and button pressing [**Bird -- Page 9 lines 28-32 – User selects hyperlink on webpage containing content or source of content he/she wishes and does so by pressing the mouse button, i.e. clicking, over the appropriate text link**].

Regarding claim 23, Bird-Agraharam teach the invention substantially as claimed, wherein the content adaptation and scaling uses story element semantics and provides a multi-sensory electronic content package for communicating with sensory impaired users [**Bird -- Page 6 lines 13-16, Page 7 lines 11-14 and page 10 lines 17-19 – Parsing and altering the stream involves combining audio data, i.e. hearing, to augment text data, i.e. sight, in order to provide multi-sensory information to communicate with sensory impaired users**].

10. Claims 2-9, 20, 24-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429) and Agraharam et al. (U.S. 6,412,011), as applied to claim 2 above, in view of Vetro et al. (U.S. 6,542,546).

Regarding claim 2, Bird-Agraharam teach the invention substantially as claimed, as aforementioned in claim 1 above, but fails to explicitly teach wherein said semantic components comprise semantic identifiers.

Vetro, however, teaches a system of adapting content in a multi-media stream by examining the semantic contents, i.e. obviously identified by semantic flags/identifiers, and characteristics of the bit stream [**Vetro -- Abstract, Col. 5 lines 33-35 and lines 49-55**].

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the content classifying mechanism of examining semantic identifiers/flags and bits, as taught by Vetro into the invention of Bird-Agraharam, in order to quickly find and classify information at it's target rate without destroying any of the content in the stream.

Regarding claim 3, Bird-Agraharam-Vetro teach the invention substantially as claimed, as aforementioned in claim 2 above, wherein the semantic identifiers comprise semantic flags **[Vetro -- Col. 5 lines 33-35 and lines 49-55 – Semantic flags serve to identify the various content components of the stream]**.

Regarding claims 4-5, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein the semantic components comprise single and multi-bit identifiers used with a semantic masks **[Vetro -- Col. 6 lines 13-16 – Patterns, i.e. semantic components, are analyzed and recognized by comparing the bits, i.e. both single or multiple bits can be used depending on what is being recognized, in the stream to a transform, i.e. a mask]**.

Regarding claim 6, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein the content information comprises a story, i.e. a content stream **[Bird -- Page 10 lines 9 – Data, i.e. content stream]**, and said semantic elements comprise semantic flags embedded within the stream **[Vetro -- Col. 5 lines 33-35 and lines 49-55 – Content classifier recognizes different stream elements by detecting the various markers, i.e. flags, that identify the different content]**.

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Bird-Agraharam-Vetro, however, fail to teach the content information is a StoryMail. This type of content is one that is specific to the assignee of the instant application. The use of this type of content information provides no significance over using any other type of information stream **[Bird -- Page 10 line 9]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any type of content stream or message for the purpose of disseminating information to a variety of users over the Internet.

Regarding claim 7, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein said semantic flag elements consist of content type information elements **[Vetro -- Col. 5 lines 33-35 and lines 49-55 – Content classifier identifies the different content type elements by detecting various markers, i.e. semantic flags]**.

Regarding claim 8, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein said method further comprises searching through said story by a procedure executing on the client device to identify procedural and data components and processing each said content information received according to the information **[Bird -- Page 6 lines 27-28 and page 11 line 15 – Streamed received from server is played, automatically using the output to which it corresponds to, i.e. text would be displayed on the display, i.e. monitor, while audio would be outputted through the speaker, each stimulating different senses, i.e. sight and hearing. Therefore, the content must be processed, i.e. searched through by the executing program**

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to identify these various components to properly cause the specific execution element, i.e. audio or text, to occur].

Regarding claim 9, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein said semantic flags identify a navigation type [**Vetro -- Col. 5 lines 52-53 – Navigation type is identified by scene change information**] and a content type [**Vetro -- Col. 5 lines 33-35 and lines 49-55 – Content classifier identifies the different content type elements by detecting various markers, i.e. semantic flags**].

Regarding claim 20, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein the semantic information is associated with the information and used in conjunction with said solicited user input [**Bird -- Page 6 lines 13-14 and Page 9 lines 28-32 – The stream is parsed by identifying predetermined data items, semantic identifiers, which are associated with the stream that the user selected that contained the proper content information/source**].

Regarding claim 24, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein there are semantic flags and text behind at least a subset of the logical elements of the message, i.e. stream [**Vetro -- Col. 5 lines 33-35 and lines 49-55 – Content classifier recognizes different stream elements, i.e. logic elements, such as visual, textual, audio content, etc... by detecting the various markers, i.e. flags, that identify the different content**].

Regarding claim 25, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein said semantic flags allow for automated procedural enumeration of the elements [**Vetro -- Col. 5 lines 33-35 and lines 49-55 – Content classifier identifies the different content type elements by detecting various markers, i.e. semantic flags**] and user interaction methods for presentations in a manner conforming to the selection of a given set of flags of interest and the values that said flags of interest must have [**Bird -- Page 9 lines 28-32 – User selects hyperlink on webpage containing content or source of content he/she wishes and does so by pressing the mouse button, i.e. clicking, over the appropriate text link**].

Regarding claim 26, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein the semantic flags' meanings that the content contains text and/or audio [**Vetro -- Col. 5 lines 33-35 and lines 49-50 – Markers, i.e. flags, identify the various contextual elements in the stream, i.e. text or audio**].

Regarding claim 29, Bird-Agraharam-Vetro teach the invention substantially as claimed, wherein semantic flags from a second group further refine the meaning selected from the set consisting of: as being of a certain priority, as being of a certain level, or pertaining to a certain order with respect to the other said semantic flags which may be set for an element or set of elements [**Vetro -- Col. 5 lines 49-55 – Content classifier first set of flags corresponds to the content, i.e. visual, audio, textual, etc..., in the bit stream, whereas a second set of flags**

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corresponds to content characteristics such as activity or scene change information, i.e. as being of a certain level, such as the rate-quality].

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429) and Agraharam et al. (U.S. 6,412,011), as applied to claim 12 above, in view of Heutschi (U.S. 6,335,678).

Regarding claim 16, Bird-Agraharam teach the invention substantially as claimed, as aforementioned in claim 12 above, but fail to explicitly teach a tactile output device which generates a Braille encoded tactilely sensible indicia. Nonetheless, outputting display information to a device to convert to Braille is well known, as evidenced by Heutschi. Heutschi, however, teaches an electronic device that assists the physically handicapped by outputting information to a mechanical display in order to represent Braille letters for the blind [Heutschi -- Col. 2 lines 28-35 and Col. 4 lines 29-31].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Braille output device, as taught by Heutschi into the invention of Bird-Agraharam, in order to assist blind and/or deaf users to benefit from content received over the Internet, allowing them to communicate and participate even with their physically disability.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429), Agraharam et al. (U.S. 6,412,011) and Vetro et al. (U.S. 6,542,546), as applied to claim 2 above, in view of Kawamura et al. (US 2002/0044757).

Regarding claim 27, Bird-Agraharam-Vetro teach the invention substantially as claimed, as aforementioned in claim 2 above, but fails to explicitly teach wherein the semantic flag's meanings indicate one or more of the followings: is objectionable for rendering for children under 12 years of age, is objectionable for rendering for children under 18 years of age, is objectionable for rendering for children under 21 years of age.

Kawamura, however, teaches a device for displaying picture information which sets flags to indicate that the media contains adult content, for example, content objectionable for children under age 18 [**Kawamura -- Page 1 paragraphs [0008] and [0009] and page 8 paragraph [0113]**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the setting of flags to indicate adult/objectionable content, as taught by Kawamura into the invention of Bird-Agraharam-Vetro, in order to restrict and prevent certain groups from viewing content which may not be acceptable.

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429), Agraharam et al. (U.S. 6,412,011) and Vetro et al. (U.S. 6,542,546), as applied to claim 2 above, in view of Hirasawa et al. (U.S. 6,691,310).

Regarding claim 28, Bird-Agraharam-Vetro teach the invention substantially as claimed, as aforementioned in claim 2 above, but fails to explicitly teach wherein the semantic flag's meanings indicate one or more of the following: content is for men.

Hirasawa, however, teaches a device for receiving information which sets flags to indicate that the media contains content for men [**Hirasawa -- Col. 5 lines 60-65 and Col. 9 lines 39-53**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the setting of flags to indicate content is for a certain group, i.e. men, as taught by Hirasawa into the invention of Bird-Agraharam-Vetro, in order to categorize the data by marking it for a certain group so that a user can choose content that is appropriate for them.

14. Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird (U.K. 2,330,429), Agraharam et al. (U.S. 6,412,011) and Vetro et al. (U.S. 6,542,546), as applied to claims 2 and 10 above respectively, in view of Parham (U.S. 5,805,860).

Regarding claims 30-32, Bird-Agraharam-Vetro teach the invention substantially as claimed, as aforementioned in claim 2 above, but fails to teach explicitly teach wherein the semantic flags are hierarchically structured and nested.

Parham, however, teaches traversing a netlist where flags are hierarchically structured and nested [**Parham -- Col. 3 lines 48-50 and Col. 6 lines 18-20 – Flags, can be nested in the various**

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nested levels of the netlist, which contains various hierarchical levels, upon which the flags can be classified in the various levels, i.e. bottom level].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the nesting and hierarchically structuring of flags, as taught by Parham into the invention of Bird-Agraharam-Vetro, in order to better classify and structure the various flags for the various identified content.

Regarding claim 33, Bird-Agraharam-Vetro-Parham teach the invention substantially as claimed, as aforementioned in claim 10 above, wherein a given set of semantic flags of interest are isolated and identified by the process of performing the equivalent of a logical AND operation **[Parham -- Figure 1 and Col. 1 lines 60-65 – AND gate connects the two modules which can contain markers, i.e. flags, thereby are run through the logical AND].**

Regarding claim 34, Bird-Agraharam-Vetro-Parham teach the invention substantially as claimed, wherein the result of the logical AND is compared to values to determine if the element or elements associated with said flags meet the criteria for inclusion **[Vetro -- Col. 5 lines 33-35 and lines 49-55 – In order for the content to be identified in the stream, the flags would need to be compared against a given mask or mapping to determine if it meets the criteria for the given content feature].**

Regarding claims 35 and 37, Bird-Agraharam-Vetro-Parham teach the invention substantially as claimed, including wherein the semantic flags meet the criteria if the result is

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found to be equal to said required values [**Vetro -- Col. 5 lines 33-35 and 49-55 and Col. 6 lines 13-15 – Classifier must compare bits of the flag to the mask or mapping in order to determine if the given bits of the content stream indicate certain content. Therefore, this would imply the results of the comparing equal that of a certain type of content, i.e. text or audio].**

Regarding claim 36, Bird-Agraharam-Vetro-Parham teach the invention substantially as claimed, as aforementioned in claim 33 above, but fail to explicitly teach wherein the semantic flags meet the criteria if the result is found to be not equal to said required values.

It would have been obvious to one of ordinary skill in the art that any type of logical comparative operation, i.e. not equal to, less than, greater than, etc., could be used to determine if certain criteria meet required values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any logical comparative operation for the purpose of determining if a certain result meets a certain criteria level.

Regarding claim 38, Bird-Agraharam-Vetro-Parham teach the invention substantially as claimed, as aforementioned in claim 33 above, wherein the semantic flags [**Vetro -- Col. 5 lines 33-35 and lines 49-50 – Markers, i.e. flags, identify the various contextual elements in the stream, i.e. text or audio]** can be further refined to indicate whether the identified content can be used on a particular device or can be used in conjunction with a particular software application [**Bird -- Page 9 lines 13-19 – Decoding parameters, which set forth device**

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capabilities, could be used to compare with the classified content, shown above, to determine if the device can support such content types].

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sahai et al. (U.S. 6,594,699) discloses a system for delivering altered multimedia streams over a network by determining the capabilities of the receiving client.
- Burge et al. (U.S. 6,014,638) discloses a system for customizing the way in which information is delivered and displayed based upon user preferences.
- Newell et al. (U.S. 6,466,232) discloses a system for controlling the presentation of information to a user based upon the current conditions, i.e. physical or mental conditions, locality conditions, etc., of the user.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234.

The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

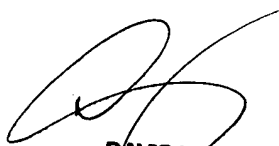
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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TJM

February 20, 2004



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